

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF: THE COMPLAINT)	
OF CREATIVE YACHT MANAGEMENT,)	No. 1:14-cv-09050
INC., d/b/a SAILTIME CHICAGO,)	
PETITIONING FOR EXONERATION FROM)	Judge Samuel Der-Yeghiayan
OR LIMITATION OF LIABILITY)	

**MOTION TO ADOPT AND JOIN CLAIMANTS' REPLIES TO PLAINTIFF'S
RESPONSE TO MOTION TO DISMISS COMPLAINT FOR EXONERATION FROM
OR LIMITATION OF LIABILITY**

NOW COMES Tamara Sopka, Independent Administrator of the Estate of Orest M. Sopka, Deceased ("Sopka"), by and through her attorneys, Cooney & Conway, and hereby moves this Honorable Court to join in and adopt the Reply to Plaintiff's Response to Claimant's Motion to Dismiss the Complaint for Exoneration from or Limitation of Liability of CREATIVE YACHT MANAGEMENT, INC. d/b/a SAILTIME CHICAGO (hereinafter "SailTime") previously filed by Respondent Peggy M. Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased ("Blenner") and the Reply to Plaintiff's Response to Motion to Dismiss Complaint for Exoneration from or Limitation of Liability, filed by Shai Wolkowicki ("Wolkowicki"). In support of this Motion, Sopka states as follows:

1. On November 11, 2014, Creative Yacht Management, Inc., d/b/a SailTime Chicago ("SailTime") filed its Petition for Exoneration From or Limitation of Liability under the Limitation of Liability Act. 46 U.S.C. §§ 30501 *et seq.* (the "Act") (Document No. 1).
2. On January 9, 2015, Blenner filed her Motion to Dismiss SailTime's Petition under Rule 12(b)(6) (Document Nos. 25-27) Generally, Blenner's Motion to Dismiss asserts that SailTime failed to state a cause of action upon which relief may be granted because the Act applies to "owners" of vessels, and SailTime is not an "owner" of the AXESS, and SailTime

does not "stand in the shoes" of the owner of the AXESS.

3. On January 12, 2015, Tamara Sopka, Independent Administrator of the Estate of Orest M. Sopka, Deceased ("Sopka") filed a Motion to Adopt and Join Blenner's Motion to Dismiss.
4. On January 15, 2015, this Court granted Sopka's Motion to Adopt and Join Blenner's Motion to Dismiss.
5. On February 11, 2015, SailTime filed its Response to Claimants' Joint Motion to Dismiss Complaint for Exoneration From or Limitation of Liability.
6. On February 26, 2015, Blenner and Wolkowicki each filed a Reply to Plaintiff's Response to Claimant's Motion to Dismiss the Complaint for Exoneration from or Limitation of Liability of CREATIVE YACHT MANAGEMENT, INC. d/b/a SAILTIME CHICAGO.
7. The bases for dismissal raised by Blenner and Wolkowicki in their respective Replies also apply to Sopka.
8. The interests of judicial economy would be best-served by an Order from this Court permitting Sopka to adopt and join the Replies to Plaintiff's Response to Claimant's Motion to Dismiss the Complaint for Exoneration from or Limitation of Liability of CREATIVE YACHT MANAGEMENT, INC. d/b/a SAILTIME CHICAGO already filed by Blenner and Wolkowicki, rather than file a separate, substantially similar Reply.

CONCLUSION

WHEREFORE Tamara Sopka, Independent Administrator of the Estate of Orest M. Sopka, Deceased, respectfully requests that this Court grant her leave to adopt and join Claimant, Peggy M. Blenner, as Successor Administrator of the Estate of Megan Blenner, Deceased's, Reply to Plaintiff's Response to Motion to Dismiss Complaint for Exoneration from or Limitation of Liability and Claimant Shai Wolkowicki's Reply to Plaintiff's Response to Motion to Dismiss Complaint for Exoneration from or Limitation of Liability, respectively.

Respectfully submitted,

/s/ Timothy G. Martin

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Deceased*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record on this 26th day of February, 2015.

/s/ Timothy G. Martin